

MEMO ENDORSED



STATE OF NEW YORK OFFICE OF THE ATTORNEY GENERAL

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May 13, 2021

VIA ECF

Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Gunn v. Malani, 20 CV 2681 (KMK)

Dear Judge Karas:

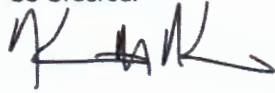
This Office represents Defendant Thomas Milani (sued as "Malani") ("Defendant"). We write to respectfully request that Defendant's time to respond to Local Civil Rule 33.2 be stayed until thirty (30) days after the Court issues an Order denying in whole or part Defendant's pending Motion to Dismiss. (Dkt. No. 20).

The grounds for this request are that, pursuant to Local Civil Rule 33.2(d)(ii), answers to 33.2 Interrogatories and Requests for Production of Documents are ordinarily stayed if a dispositive motion is pending. Here, the Court ordered Rule 33.2 discovery be provided 120 days after the issuance of the summons and complaint. (Dkt. No. 8). The summons was issued on January 25, 2021, and the Rule 33.2 discovery is thus currently due on May 25, 2021. (Dkt. No. 13). The Rules contemplate that Rule 33.2 discovery should generally await decision on a pending dispositive motion, and it would be wasteful and burdensome to require Defendant to provide this discovery before his motion, which raises the issue of qualified immunity, is decided.

This is the first request for an extension of time to respond to Local Rule 33.2 by Defendant Milani. Plaintiff's consent has not been sought because of the difficulty in prompt communications with pro se inmates. We thank the Court for its attention to this matter.

Granted. Defense counsel is to mail a copy of this memo endorsement to Plaintiff and certify this was done in a filing by 5/19/21.

So Ordered.



5/14/21

Respectfully submitted,

/s/ Ian Ramage

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